



340095

**matlack, inc.***pipeline on wheels®*

ONE ROLLINS PLAZA, P.O. BOX 8789, WILMINGTON, DE 19899 / 800-MATLACK

June 14, 1994

**CERTIFIED - RETURN
RECEIPT REQUESTED**

Sherry L. Estes, Esquire
Office of Regional Counsel
U.S. EPA - Region V
77 W. Jackson Street
Chicago, Illinois 60604-3590

**RE: Stickney Avenue Landfill and
Tyler Street Dump (the "Site")**

Dear Ms. Estes:

Based on the information which U.S. EPA has now provided to Matlack in response to my earlier FOIA requests, it is now clear that Matlack's connection to the Stickney Avenue Landfill and Tyler Street Dump (the "Site") is based solely on a single telephone interview of Larry Sherwin, a former employee of Vallet Paint.

I have contacted Mr. Sherwin and interviewed him at length. He has confirmed that Matlack was a customer of Vallet Paint. This is something we already knew. He has also confirmed that Vallet Paint did not dispose of any waste materials for Matlack.

As I noted in my letter to you dated January 19, 1994, Matlack's investigation into this matter has concluded that the only involvement between Matlack and Vallet Paint related to Matlack's occasional purchase of paint and other supplies from Vallet. I also provided three affidavits from Matlack officials which bear this out.

In my letter to you dated March 21, 1994, I referred you to the affidavits recently sent to you by counsel to Vallet Paint, Shane Farolino, Esquire. Mr. Farolino has confirmed that Vallet Paint did not dispose of any waste materials for Matlack. The affidavits which Mr. Farolino provided to you bear this out.

Sherry L. Estes, Esquire
Page 2
June 14, 1994

The affidavit which Larry Sherwin provided to the City of Toledo does not indicate any connection between Matlack and the Site.

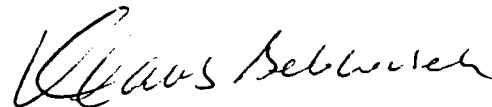
The only connection between Matlack and the Site that exists is in one paragraph of notes relating to the interview of Larry Sherwin (name of interviewer not disclosed) in which the interviewer states as follows: "Waste from Matlack Co. on east side of Toledo would be picked up and brought to dump. Matlock [sic] was a customer of Vallet. Dumped to Stickney and Tyler."

I read these interview notes to Mr. Sherwin. He stated to me that he never made that statement to anyone from U.S. EPA or the City of Toledo. Attached please find an affidavit which Mr. Sherwin signed after speaking with me. The affidavit confirms that Mr. Sherwin did not take any waste materials from Matlack to the Site.

Based on the foregoing, I would request that you have Matlack dropped as a PRP at the Site. I would appreciate it if you would review the attached affidavit and the prior information which I have provided to you in this matter and then call me to discuss this further. We also need to discuss the ultimate resolution of the FOIA appeal which Matlack filed in federal court.

As with my prior correspondence, please make this letter a part of the administrative record in this case. Thank you.

Very truly yours,



Klaus M. Belohoubek
Vice President - General Counsel

KMB/gmh

Enclosure

1722

cc: ✓ Mr. Thomas Barounis
Ms. Wendy L. Carney
Shane Farolino, Esq.

AFFIDAVIT

I, LARRY SHERWIN, do certify as follows:

1. I worked as a driver for Vallet Paint Company ("Vallet Paint"), located on Adams Street between the years of 1963 to 1965 and again between the years of 1968 to 1970.

2. Matlack, Inc. ("Matlack") was a customer of Vallet Paint. Matlack was one of many customers of Vallet Paint for whom I handled deliveries. On occasion, I would deliver cans of paint to customers of Vallet Paint, including Matlack. On occasion, I would also deliver sixteen (16) gallon or fifty-five (55) gallon drums to customers of Vallet Paint, including Matlack. I am not sure what the drums contained, but believe that they contained some form of solvent. I do not recall how often I made deliveries to Matlack, nor do I recall with any specificity, what I delivered to Matlack.

3. In connection with my deliveries to various customers, I would on occasion pick up empty drums from those customers. On occasion, there would be some residue of material left in these drums. As the drums were sealed, I have no way of knowing what the residue might have been. I believe that on occasion I picked up empty drums from Matlack. I do not recall how often this would have occurred or whether there was any residue in any of these drums.

4. Any drums picked up from customers, including Matlack, were returned directly to Vallet Paint. I did not take drums or any other materials from Matlack to the Stickney Avenue Landfill or Tyler Street Dump. I did not take drums or any other materials from Matlack to the Dura Avenue Landfill.

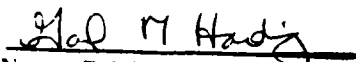
5. As part of my duties, I would ultimately take Vallet Paint trash to various dumps in the area. I have no way of knowing if any drums collected from Matlack or any other customer went to any particular dump or site, or whether such drums had any residue in them.

Executed this 8 day of June, 1994, in Toledo, Ohio.

I declare under penalty of perjury under the laws of the State of Ohio that the foregoing is true and correct.


Larry Sherwin

Sworn to and subscribed before
me this 8th day of
June A.D. 1994


Notary Public